

Remarks/Argument

Response to Examiner's Remarks in Detailed Action

Reconsideration and further examination of the application is respectfully requested.

I. Application Status, General

The Examiner has withdrawn the rejections previously founded upon Miller, U.S. Patent 2,201,372 ("Miller"). All claims in the Application now stand rejected under a non-final action on the basis of Guest, U.S. Patent No. 5,603,530 ("Guest").

Claims 3, 11, 17, and 18 remain in this application. Claims 1, 2, and 4-10, and 12-16 have been previously cancelled (without prejudice to file a continuing application).

II. Discussion of Amendments and Support

Claim 1 is amended for consistency of terminology reasons, as described in the section headed "Response to Claim Rejections, 35U.S.C. § 112 - Indefiniteness" below.

III. Drawings

The examiner has objected to the drawings for failure to show each and every feature, namely, the biting of the locking member into the first pipe portion and the second pipe portion upon compression. Applicant attaches hereto formal drawings as REPLACEMENT SHEETS, incorporating such a change as shown in the ANNOTATED SHEETS.

IV. Response to Claim Rejections, 35 U.S.C. § 112 – Indefiniteness

The Examiner rejects Claims 3, 11, and 18 for indefiniteness on the basis that the term "locking segment" should be "locking member" in Claim 3, line 6. Applicant has made the requested change in the amended claims listing above, and thanks the examiner for pointing out the terminology.

V. Response to Claim Rejections, § 102 – Regarding Claim 3

Claims 3, 11, 17, and 18 are rejected by the Examiner on the basis of Guest.

Amendments to the Drawings

The attached Replacement Sheets of drawings include Replacement Sheets for all seven figures, as the examiner has requested that the figures more clearly show biting into the bell. See new Figure 4. Applicant requests that the drawings previously filed be replaced with the Replacement Sheets attached hereto. In addition to the revisions specifically called out below and annotated on the sheets, Applicant notes that the drawings have been recreated with a new draftsman for better quality of reproduction.

Figures 1 and 4: Reference numeral 46 has been added. Figure 4 shows biting of the segment into the bell.

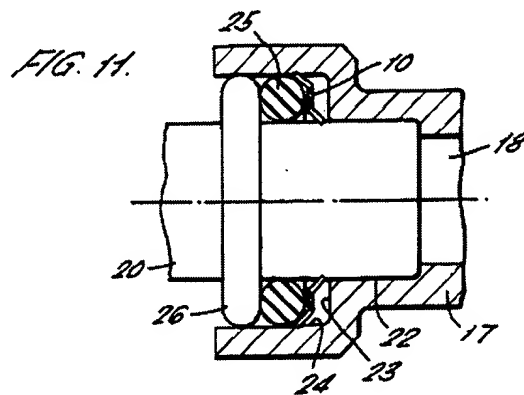
Figure 2: Reference numeral 15 (shown in Figure 7) has been added for ease of the reader.

All Figures: All figures have been redrafted in response to the Examiner's request for formal drawings, which affects the drawings overall.

ATTACHMENT: Replacement Sheets showing Figures 1 through 7.
Annotated Sheets showing changes.

Applicant has carefully reviewed the argument of the Examiner, noting particularly the recitation by the Examiner of the elements in Guest. Applicant respectfully suggests that the element of Guest that the Examiner refers to as a “compression gland securable to the second female pipe portion” is, in fact, neither a compression gland nor securable to the female second pipe portion.

The Examiner refers to element 26 in Guest as the “compression gland,” with reference to Guest’s Figure 11. Figure 11 of Guest is reproduced below:



In this image, the element 26 appears to be a band affixed to the first male pipe portion. The language used by Guest to refer to this element is “encircling bead 26” or simply “bead 26”. (See column 3, lines 35 and 37). See also (for example) Figures 13-15 of Guest, in which the bead is shown in the same static position on the pipe 20, regardless of stage of installation or insertion into the bell. Applicant contends that those in the industry would understand each of Figure 11 and the text cited above, to refer to a “weld bead” configuration. In the piping industry, it is common in some applications to permanently affix a raised surface in the form of an affixed ring welded about the spigot. This is frequently accomplished by welding a ring to the spigot surface, or simply depositing a circumferential bead of weld metal about the spigot. In operation, the spigot is then inserted into the female pipe portion beyond the location of the band or bead, and then a blocking device is somehow affixed. It is clear that this is the intended function of the bead 26 in Guest, as evidenced not only by the understanding in the industry, but also by fact that Guest itself suggests that the bead 26 is properly considered permanently and

formatively affixed to the spigot: "...the tube 20 is formed with an encircling bead 26..." (See column 3, line 35).

Understanding this known methodology and structure for locking pipes, the band 26 referred to by Guest appears to be just such a weld bead or affixed band. Significantly, this bead is understood to be affixed directly and immovably to the spigot. This is not a compression gland, and does not perform the function of a compression gland. Being affixed permanently in immovable relationship to the spigot, the bead cannot move as a compression gland does. Moreover, the bead is permanently affixed to the spigot, rather than being "securable to the second female pipe portion" as required by the claim.

The above discussion is believed to respond in full to the application by the Examiner of Guest to Claim 3, and by dependency, to Claims 11 and 18 as well. Likewise, the same analysis is believed to apply to the examiner's rejection of Claim 17.

With respect to Claim 11, the examiner concludes that at Figure 11 Guest shows different density regions. The Applicant respectfully disagrees that Guest is to be interpreted in this manner. Figure 11 of Guest shows a seal 25 with a single style of cross-hatching, with no discussion that Applicant can discern indicating a plurality of density regions.

In accordance with the foregoing, Applicant requests reconsideration and withdrawal of the rejections.

IX. Double Patenting (Provisional Rejection)

Pursuant to MPEP 804(1)(B), Applicant understands that a response is not required to the "provisional" double patenting rejection, until such time as one of the two co-pending applications is in condition for issuance (except for the double patenting issue). Applicant reserves the right to submit argument against the double patenting rejection at a later time, given that the claims of the copending application may not yet be in their final form. Applicant may respond by submitting a terminal disclaimer.

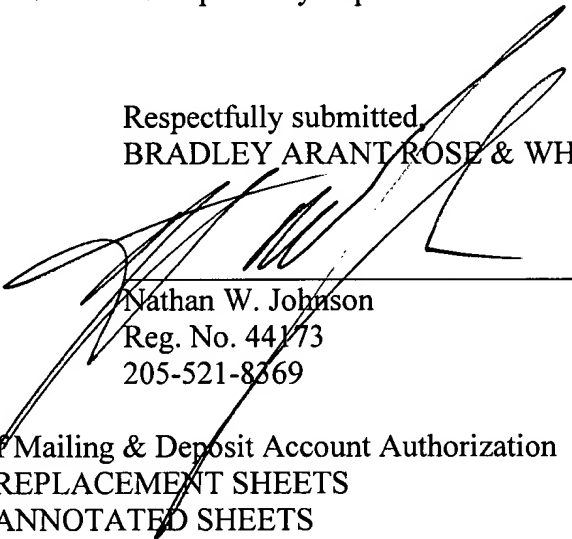
Fees

No fees are believed to be required in connection with the timeliness of this paper. If any fees are required, or if any petitions are required to maintain the pendency of this application, the undersigned hereby authorizes all such fees to be charged against Deposit Account 50-0954, and this paper is deemed to incorporate a petition to the extent necessary.

Applicant has diligently sought to comply with all requirements and to correct all informalities and objections. The Application is believed to be in condition for allowance, and a timely Notice of Allowance is respectfully requested.

July 18, 2005

Respectfully submitted,
BRADLEY ARANT ROSE & WHITE LLP



Nathan W. Johnson
Reg. No. 44173
205-521-8369

ATTACHMENTS – Certificate of Mailing & Deposit Account Authorization
Drawings – REPLACEMENT SHEETS
Drawings – ANNOTATED SHEETS

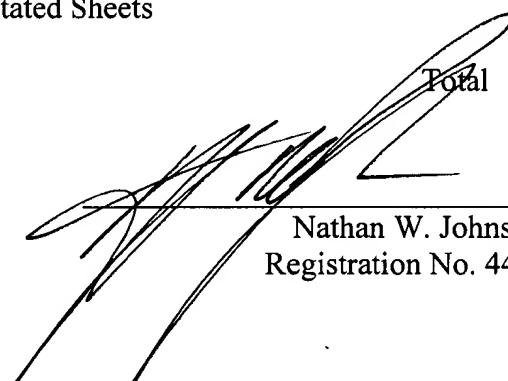
CERTIFICATE OF EXPRESS MAILING

I hereby certify that the items detailed below are being deposited with the United States Postal Service as Express Mail, Post Office to Addressee with sufficient postage, to the following address:

Mail Stop Amendment
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P.O. Box 1450
Alexandria, VA 22313-1450

On July 18, 2005.

1.	Transmittal	2	p.
3.	Response and Amendment		
	Cover/Index	1	p.
	Claims Listing	2	p.
	Amendment to Drawings	1	p.
	Remarks/Argument	4	p.
	This Page	1	p.
4.	Appendix		
	Replacement Sheets	7	
	Annotated Sheets	7	
	Total	25	pages

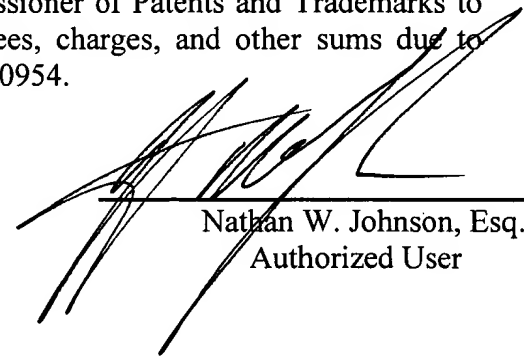


Nathan W. Johnson
Registration No. 44,173

Date: July 18, 2005.

AUTHORIZATION TO CHARGE
DEPOSIT ACCOUNT

If, after processing the enclosed checks, any charges, fees, or sums due remain unpaid in connection with this correspondence, I hereby authorize the Commissioner of Patents and Trademarks to charge all such remaining fees, charges, and other sums due to Deposit Account Number 50-0954.



Nathan W. Johnson, Esq.
Authorized User

Appendix



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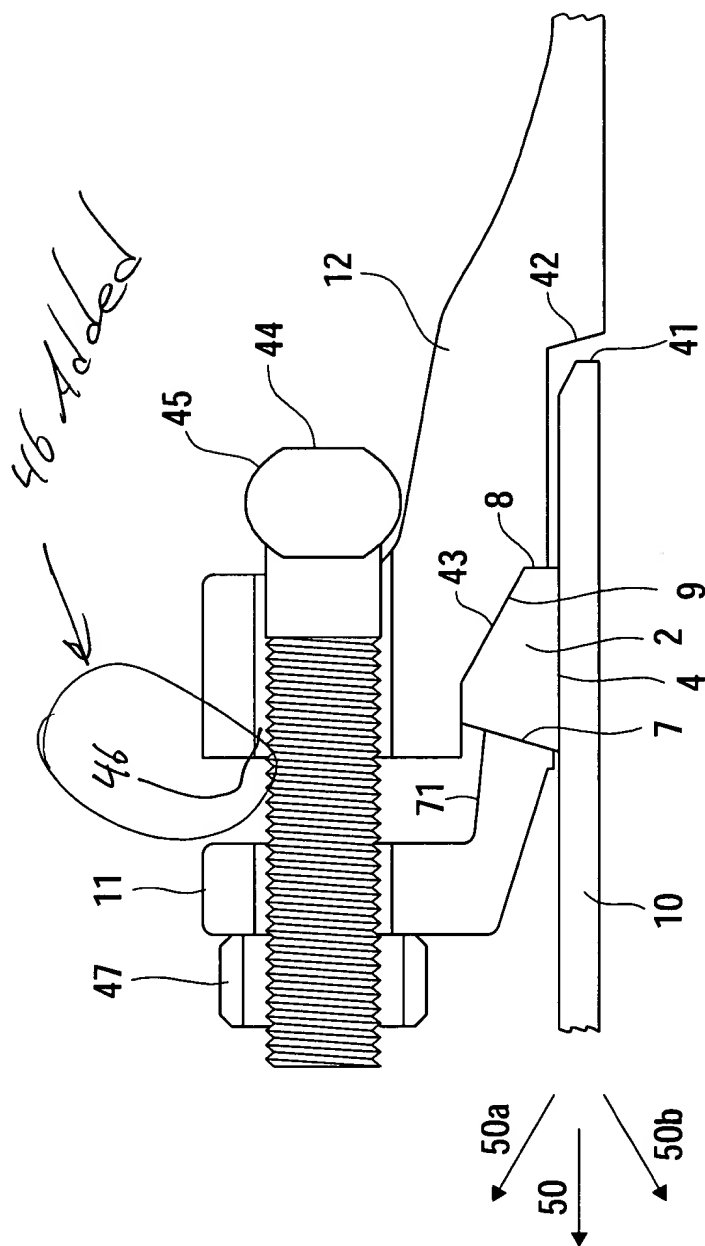


FIG. 1
PRIOR ART



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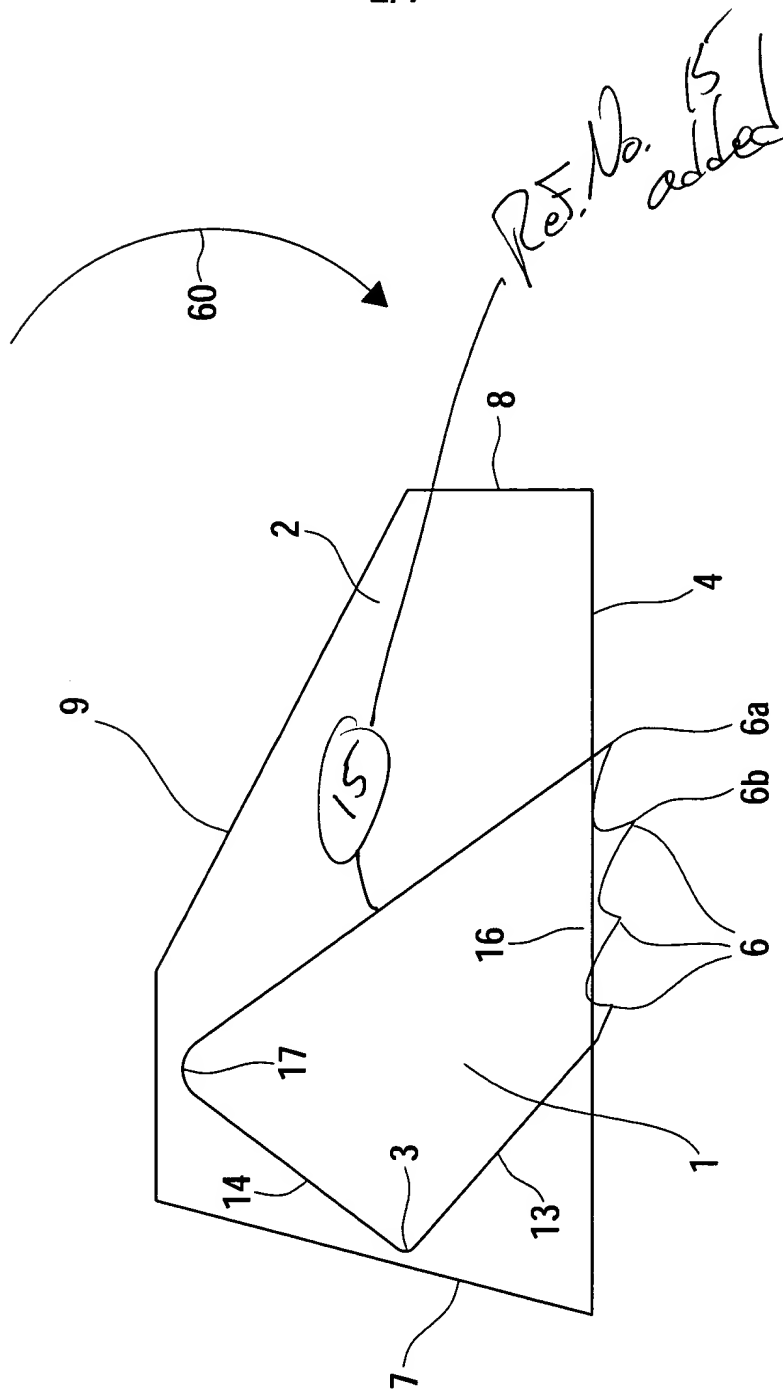
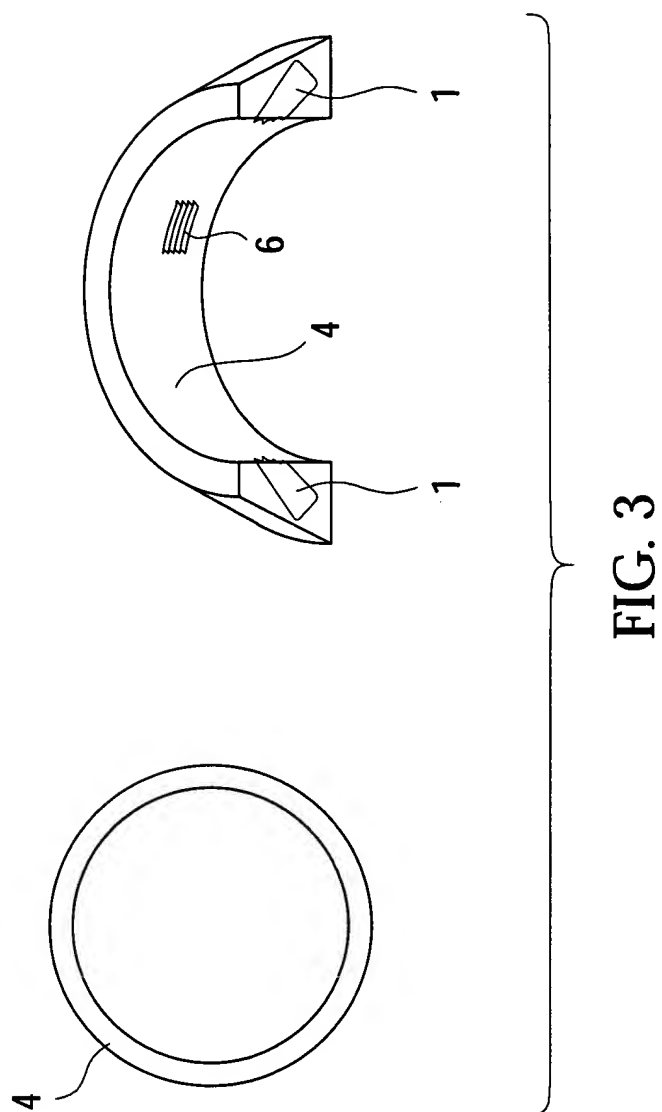
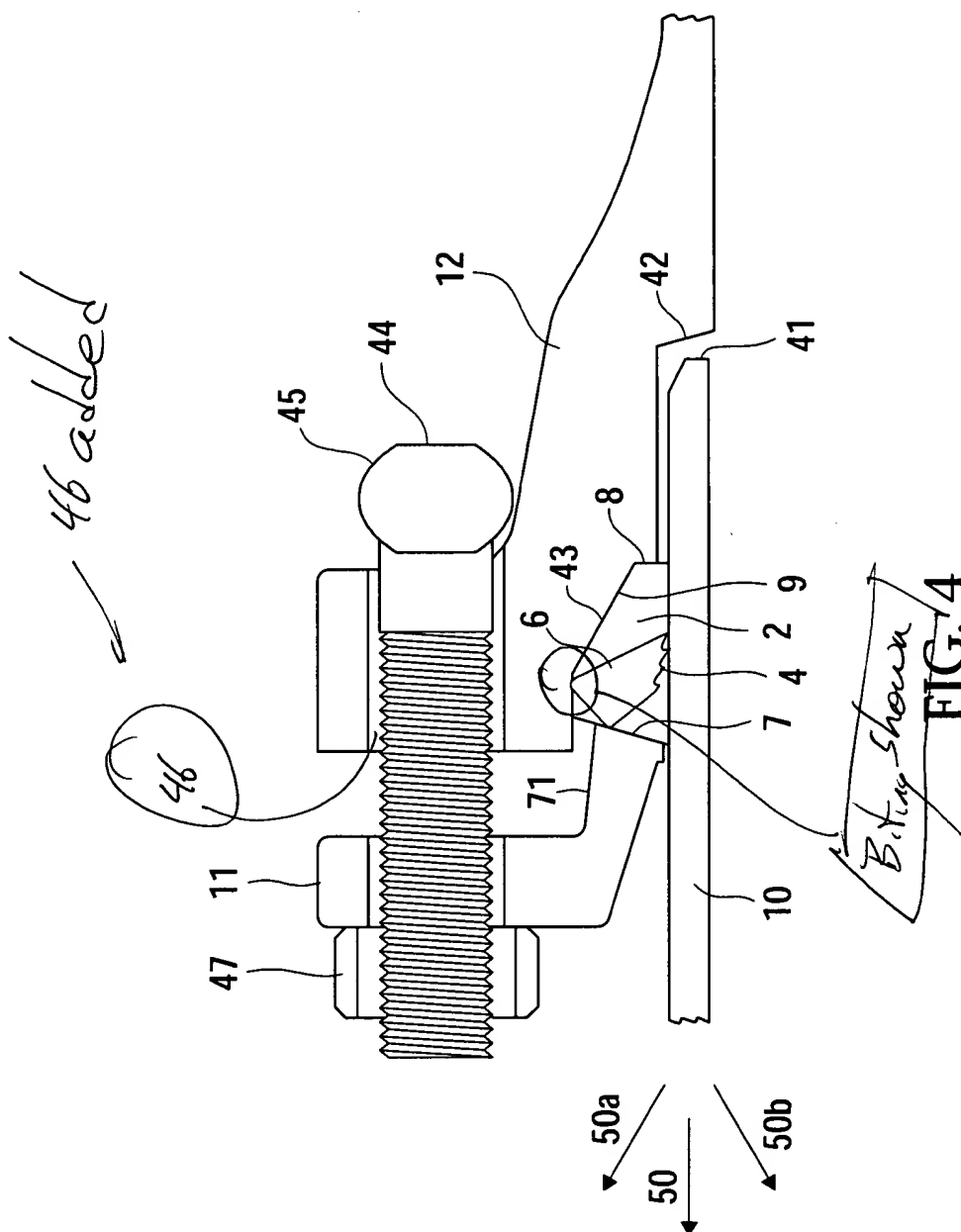


FIG. 2



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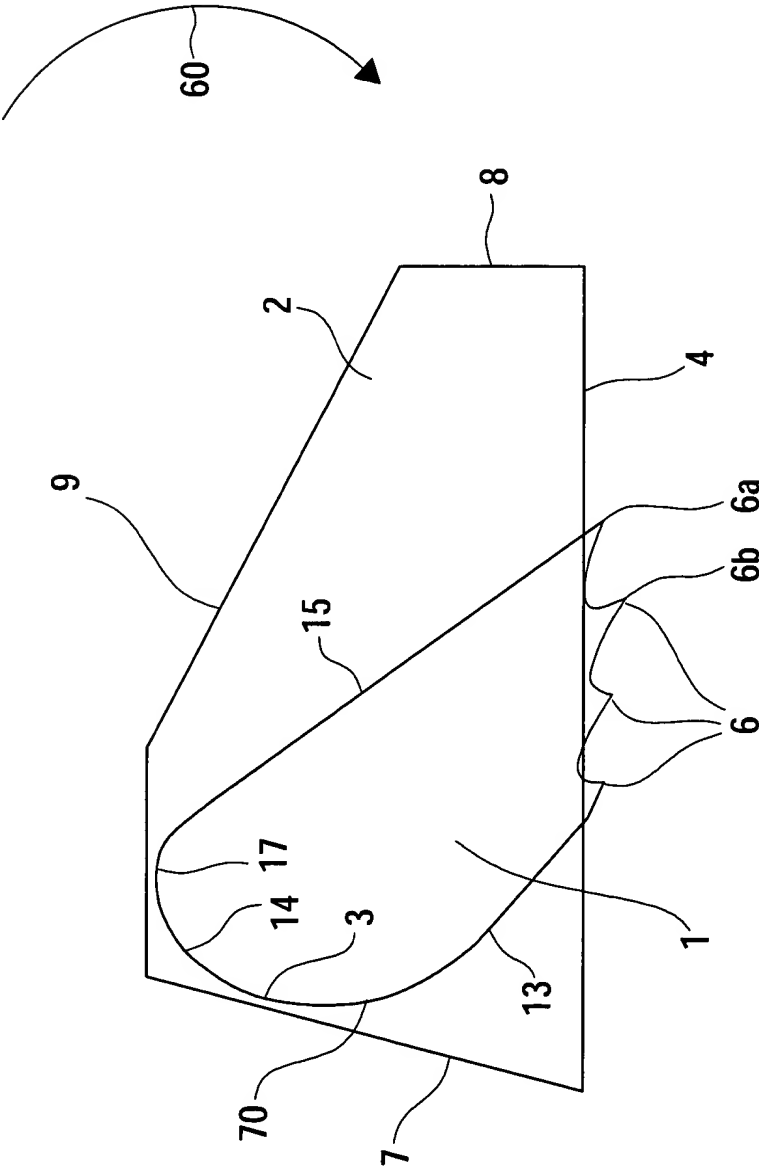


FIG. 6

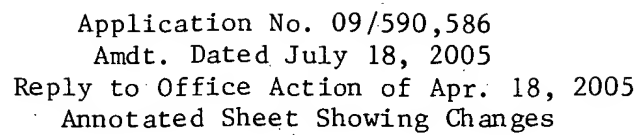


FIG. 7